

# VIII. ENVIRONMENTAL CONSIDERATIONS

#### **Environmental Considerations**

TEA 21 requires the transportation planning process to consider projects and strategies that protect and enhance the environment. CEQA requires agencies to evaluate the environmental consequences of their proposed actions. One of the primary goals of CEQA is to minimize harmful environmental effects by requiring agencies to avoid or reduce, when feasible, the significant environmental impacts of their actions. Protection of the environment is an important public policy goal. It can also be a critical element of public acceptance of projects. Therefore, RTPAs should seek to develop and implement RTP alternatives that will minimize environmental damage.

## A. CEQA and NEPA

### California Environmental Quality Act (CEQA)

Environmental analysis and development of alternatives to minimize adverse environmental impacts is fundamental to the transportation planning process. The RTP and any subsequent revisions, amendments or updates shall be in compliance with CEQA (Public Resources Code21002.1). Typically, a Program or Master Environmental Impact Report (EIR) is prepared for the RTP. An EIR shall (Public Resources Code 21080(d)) be prepared if the action will have a significant effect on the environment. An EIR is required to consider alternatives that would avoid or reduce significant environmental effects. A Negative Declaration or Mitigated Negative Declaration may be prepared if no significant environmental impacts are identified, or if all identified potentially significant impacts will be mitigated below the level of significance. The RTP environmental document must address all CEQA requirements in the detail commensurate with the actions being proposed.

When the RTPA updates its RTP, it must determine if the proposed changes are subject to CEQA (as defined in statute). If the RTPA concludes that the actions identified in the RTP update have the potential to impact the environment, CEQA regulations apply. The appropriate type of environmental document for the RTP update is then determined. The lead agency prepares a Negative Declaration, an EIR Addendum, a Supplement to an EIR, or a subsequent EIR, as appropriate, depending on prior environmental documentation and the proposed changes to the RTP.

A Negative Declaration may be prepared when the RTP update is determined not to result in any significant environmental impacts. An EIR Addendum may be prepared when (1) Minor technical changes or additions are necessary to make the prior EIR adequate and (2) The proposed changes to the RTP do not create any new significant environmental impacts. A Supplement to the prior EIR may be prepared if minor additions and changes result in significant environmental impacts. A Subsequent EIR is required with any of the following:

1. Substantial changes are proposed that would result in new significant environmental effects or a substantial increase in the severity of previously identified effects;

- 2. Substantial changes in the circumstances under which the project will be undertaken will occur, which would result in new significant environmental effects or a substantial increase in the severity of previously identified effects;
- 3. New information of substantial importance becomes available and shows that there will be significant effects not disclosed in the previous EIR;
- 4. Significant effects will be substantially more severe than previously described;
- 5. Mitigation measures previously found to be infeasible would, in fact, be feasible and would reduce the significant effects of the project or when;
- 6. Mitigation measures considerably different than those analyzed previously would substantially reduce significant environmental effects.
- 7. New information of substantial importance becomes available and shows that there will be significant effects not disclosed in the previous EIR;
- 8. Significant effects will be substantially more severe than previously described;
- 9. Mitigation measures previously found to be infeasible would, in fact, be feasible and would reduce the significant effects of the project or when;
- 10. Mitigation measures considerably different than those analyzed previously would substantially reduce significant environmental effects.

The CEQA document shall (Public Resource Code 21000) address specific issues. The number and scope of these issues are determined by the potential environmental impacts. The CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15389) are the implementing regulations for CEQA, and provide detailed information on CEQA compliance.

#### National Environmental Policy Act (NEPA)

While the RTP is not subject to NEPA, subsequent federally funded individual projects or projects requiring federal approval, require a NEPA evaluation. Early involvement with federal resource and regulatory agencies is recommended in the development and review of the RTP to facilitate early consideration of environmental laws. For MPOs, early involvement shall (23 CFR 450.314(b)(5)) be carried out with all environmental and permit agencies in general, and in nonattainment and maintenance areas with air agencies. In addition, the RTPAs are encouraged to follow the early coordination procedures outlined by the NEPA/404 Memorandum of Understanding with federal agencies to integrate the requirements of NEPA and Section 404 of the Clean Water Act and to become partners in the NEPA / 404 process. Statute and regulatory references pertaining to CEQA and NEPA compliance are referenced in Appendix B, pages B-3 and B-10 respectively.

# **B.** Air Quality Documentation

An Air Quality Assessment is required for RTPs prepared by MPOs in nonattainment and maintenance areas. All RTPAs in nonattainment areas shall (Title 23, CFR Sec. 450.322(d)) coordinate their RTP development with the Air Resources Board to insure conformity with the SIP. The RTP shall (Title 23, CFR Sec. 450.322(n)(3)) discuss the way in which the plan will conform to the State Implementation Plan including Transportation Control Measures implementation. In areas designated nonattainment for federal or state air quality standards, and areas with adopted "maintenance" plans, the RTP should include reference to air quality documentation. The RTP shall (Title 40, CFR Sec. 93.106, and Title 23, CFR Sec. 450.322(b)(6)) have enough specificity for conformity determinations.

MPO and Rural Areas subject to conformity requirements should consult Appendix E. Appendix E contains two checklists prepared by FHWA / FTA and EPA. Page 1 in Appendix E begins the MPO Conformity Checklist and page 6 begins the Rural Area Conformity Checklist. A list of general factors to be included in air quality documentation is found in Appendix D, page D-18.